

**REMARKS**

**Oath/Declaration:**

A Substitute Declaration is enclosed which should remove the objection to the earlier declaration.

**Allowable Subject Matter:**

The allowance of Claim 2 is acknowledged, and Applicants thank the Examiner for indicating that the Claim is allowed.

Applicants' invention, as defined in Claim 1, is a chopper folder for a rotary press for folding signatures which are periodically conveyed, one signature at a time, from a folding machine, that has a pair of folding rollers for folding a signature parallel to a conveyance direction of the signatures, a prime mover, and a crank arm fixed to an output shaft of the prime mover to be rotated together with the output shaft. A blade holder is connected to the crank arm via a link, and a chopper blade is held in the blade holder and adapted to push the signature from an upper surface thereof in order to insert the signature into a space between the pair of folding rollers. At least one guide unit is provided for restricting motion of the blade holder such that the blade holder reciprocates only in a linear direction perpendicular to a conveyance plane along which the signature is conveyed. Such a chopper folder is not taught or suggested in the cited reference.

**Claim Rejection under 35 USC §102:**

Claim 1 is rejected under 35 USC §102(b) as being anticipated by Dufour (U.S. Patent No. 3,632,104). Reconsideration and removal of this rejection is respectfully requested.

The present Office Action alleges that Dufour discloses the same invention as the present invention including a pair of folding rollers (22) and (24), a prime mover attached to a crank (38), a blade holder in the vicinity of blade (34), chopper blade (34), and a guide unit (82).

In a response to the same rejection in the first Office Action, an argument was presented by the Applicants that the chopper blade of Dufour reciprocates in an arcuate path, with the arc having an axis at the center of support shaft (84).

In the “Response to Arguments” portion of the present Office Action (paragraph 6), the Examiner recites that “...as can be seen in Fig. 2, Dufour’s blade “3” moves in an arcuate path that intersects the conveyance plane perpendicular. It is deemed that this path is, therefore, perpendicular to the conveyance plane.”

First, the Applicants respectfully submit that they do not believe it is correct to state that an “arc” is perpendicular to a “plane” as it is believed that only a straight line or a plane can be said to be perpendicular to a plane.

Second, Claim 1 recites that “the blade holder reciprocates only in a direction perpendicular to a conveyance plane”, which by definition can only be a linear path. It is respectfully submitted that the present blade not only intersects the conveyance plane perpendicularly, but also travels (reciprocates) in a linear path which is perpendicular to the conveyance plane.

Claim 1 has been amended to reflect the linear reciprocation of the blade holder to clarify this feature.

09/897,114

It is respectfully submitted that Dufour does not disclose a blade holder or a chopper blade that reciprocates in the manner defined in Claim 1 and thus Claim 1 is patentably distinct from the device of Dufour. Since the Dufour blade 34 is reciprocated in an arc by a guide unit or blade arm 82 which pivots about a support shaft 84, it is impossible for the blade holder to reciprocate in a linear direction perpendicular to a conveyance plane of the conveyed signature as provided in amended Claim 1.

In view of the above remarks, removal of this rejection is respectfully requested.

It is believed that Claim 1, as well as Claim 2, is in condition for allowance. Allowance of Claim 1 is respectfully requested.

If there are any issues of a minor nature remaining, the Examiner is urged to contact Applicants' attorney, the undersigned, at Area Code (202) 659-2930.

In the event that any fees are due in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



William G. Kratz, Jr.  
Attorney for Applicants  
Reg. No. 22,631

WGH/nrp

Atty. Docket No. 010797  
Suite 1000, 1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930



23850

PATENT TRADEMARK OFFICE